

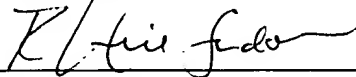


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Peter J. WILK  
SERIAL NO. : 09/435,525  
FILED : 11/8/99  
FOR : Method and Device for Improving Cardiac Function  
GROUP ART UNIT : 3763  
EXAMINER : M. Mendez

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Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER IN APPLICATION

S I R:

WILK PATENT DEVELOPMENT CORPORATION (hereinafter "WILK PATENT "), a corporation organized and existing under the laws of the State of New York, is the owner of application No. 09/435,525 filed November 8, 1999 for METHOD AND DEVICE FOR IMPROVING CARDIAC FUNCTION by virtue of an assignment concurrently filed with the Assignment Branch for recordation and appended in copy hereto.

WILK PATENT is also the owner of U.S. Patent No. 6,258,021 by virtue of the same

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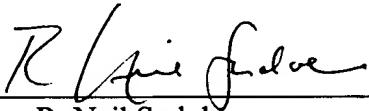
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assignment, that document being concurrently submitted to the Assignment Branch for recordation also with respect to U.S. Patent No. 6,258,021.

Through the undersigned attorney for applicant, WILK PATENT hereby disclaims the terminal part of any patent granted on said application No. 09/435,525 which would extend beyond the maximum statutory term of U.S. Patent No. 6,258,021. In addition, WILK PATENT hereby agrees that any patent granted on Application No. 09/435,525 shall be enforceable only for and during such period that the legal title to said patent granted thereon shall be the same as the legal title to U.S. Patent No. 6,258,021, this agreement to run with any patent granted on said Application No. 09/435,525 and to be binding upon the grantee, its successors or assigns.

Through the undersigned attorney for applicant, Petitioner WILK PATENT represents that it has reviewed the chain of title of application No. 09/435,525 and issued Patent No. 6,258,021 and acknowledges that, to the best of its information and belief, Petitioner WILK PATENT is the owner of the entire interest in said application and said patents.



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Attorney for Applicant

Dated: January 2, 2002